

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

BARRY LEE BREWER,
Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING
DEFENDANT'S MOTION TO
CONTINUE AND EXCLUDING
TIME

Case No. 2:06-CR-408 TS


This matter is before the Court on Defendant's Motion to Continue Trial. Defendant seeks to continue the November 29, 2006, jury trial on the grounds that the parties had anticipated a non-jury trial and now must unexpectedly prepare for a jury trial. The Court finds that the failure to grant the continuance would deprive counsel for the defendant and for the government the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence. The Court finds that the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Based upon the foregoing, is therefore

ORDERED that Defendant's Motion to Continue Jury Trial (Docket No. 31) is GRANTED and the jury trial currently scheduled for November 29, 2006, is hereby VACATED. New dates for the jury trial and final pretrial conference will be set at the status conference to be held on December 11, 2006, at 10:00 a.m. It is further

ORDERED that pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), the time between November 29, 2006 trial date, and the date scheduled for the jury trial, be excluded in computing the time within which the trial shall be commenced under the Speedy Trial Act.

DATED December 4, 2006.

BY THE COURT:



TED STEWART
United States District Judge